



House of Representatives

General Assembly

File No. 166

February Session, 2018

House Bill No. 5043

House of Representatives, April 4, 2018

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROMOTING A FAIR, CIVIL AND HARASSMENT-FREE WORKPLACE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (15) of section 46a-54 of the 2018 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective October 1, 2018*):

4 (15) (A) To require an employer having three or more employees to;
5 [post] (i) Post in a prominent and accessible location information
6 concerning the illegality of [sexual] harassment on the basis of any
7 status described in subsection (b) of section 46a-60 or section 46a-81c,
8 which harassment may include, but need not be limited to, sexual
9 harassment, and the remedies available to [victims] the targets of
10 [sexual] such harassment, [; and (B) to require an employer having fifty
11 or more employees to] and (ii) directly communicate such information
12 and remedies to employees on an annual basis;

13 (B) To require an employer having fifteen or more employees to
14 provide (i) (I) on or before October 1, 2019, two cumulative hours of
15 awareness and antiharassment compliance training and education to

16 all supervisory employees, [within one year of October 1, 1992, and to]
 17 and (II) after October 1, 2019, such training and education for all new
 18 supervisory employees [within] not later than six months [of] after
 19 their assumption of a supervisory position, provided any employer
 20 who has provided such training and education to any such employees
 21 after October 1, [1991] 2017, shall not be required to provide such
 22 training and education a second time; [.] (ii) (I) on or before October 1,
 23 2019, such training and education to all nonsupervisory employees,
 24 and (II) after October 1, 2019, such training and education for all new
 25 nonsupervisory employees not later than six months after their date of
 26 hire, provided any employer who has provided such training and
 27 education to any such employees after October 1, 2017, shall not be
 28 required to provide such training and education a second time; and
 29 (iii) periodic, supplemental training that updates all supervisory and
 30 nonsupervisory employees on the content of such training and
 31 education not less than every five years; and

32 (C) Such training and education shall include, [information
 33 concerning] but need not be limited to: (i) Training on the federal and
 34 state statutory provisions concerning [sexual] harassment, [and]
 35 remedies available to [victims] targets of [sexual] harassment,
 36 including sexual harassment, the employer's policy against
 37 harassment, examples of the types of conduct that constitute and do
 38 not constitute harassment and strategies to prevent harassment, (ii)
 39 bystander intervention training, and (iii) a discussion of workplace
 40 civility that shall include what is acceptable and expected behavior in
 41 the workplace. As used in this subdivision, "sexual harassment" has
 42 the same meaning as provided in subdivision (8) of subsection (b) of
 43 section 46a-60, and "employer" includes the General Assembly;

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	46a-54(15)
-----------	-----------------	------------

LAB Joint Favorable

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Human Rights & Opportunities, Com.	GF - Potential Cost	105,090	140,120
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	38,179	50,906

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill extends existing workplace harassment provisions, resulting in an increased number of employers and employees requiring additional information, education, or trainings.

While employers can hire private firms to conduct trainings, the Commission on Human Rights and Opportunities (CHRO) provides free trainings. To the extent these requirements result in a significant increase in the number of requests CHRO receives for training, a potential cost for two additional training staff of \$143,269 in FY 19 (partial year) and \$191,026 in FY 20 (annualized), including fringe benefits, may be incurred.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Commission on Human Rights and Opportunities

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.33% of payroll in FY 19 and FY 20.

OLR Bill Analysis**HB 5043*****AN ACT PROMOTING A FAIR, CIVIL AND HARASSMENT-FREE WORKPLACE.*****SUMMARY**

Current law authorizes the Commission on Human Rights and Opportunities (CHRO) to require employers to take certain steps, including posting notices and providing training, to make employees aware that workplace sexual harassment is illegal and remedies to harassment are available. This bill expands these requirements by:

1. broadening them to cover harassment based on any status protected under employment discrimination laws;
2. applying the training requirements to nonsupervisory employees, in addition to supervisory ones; and
3. imposing the training requirements on employers with 15 or more employees, instead of 50 or more.

EFFECTIVE DATE: October 1, 2018

WORKPLACE NOTICE REQUIREMENT

Existing law authorizes CHRO to require all employers with at least three employees to post in a prominent and accessible location, notices that (1) state sexual harassment is illegal and (2) provide available legal remedies. The bill broadens this notice requirement to include harassment based on any protected status (i.e., race; color; religious creed; age; sex; gender identity or expression; marital status; national origin; ancestry; present or past history of mental disability; intellectual disability; learning disability; physical disability, including, but not limited to, blindness; status as a veteran (CGS § 46a-60(b)); and sexual orientation (CGS § 46a-81c)). It also specifies that harassment

may include sexual harassment.

The bill additionally requires employers to directly communicate this information annually to employees.

Current law refers to “victims” of sexual harassment. The bill changes this to “targets” of harassment. It also makes various conforming and technical changes.

TRAINING REQUIREMENT

Under current law, CHRO can require employers with at least 50 employees to provide their supervisory employees with two hours of training regarding federal and state sexual harassment laws and remedies available to victims. The bill (1) lowers the employer threshold to those with at least 15 employees and (2) requires that training also be provided to nonsupervisory employees. It requires the training to cover the following additional specifics:

1. laws and remedies available for all types of harassment, including sexual harassment;
2. information on the employer’s policy against harassment;
3. examples of conduct that does, and does not, constitute harassment;
4. strategies to prevent harassment;
5. bystander intervention training; and
6. a discussion of workplace civility, including what constitutes acceptable and expected workplace behavior.

The bill requires the new training for supervisors and nonsupervisors to take place by October 1, 2019. After October 1, 2019, the training must take place within six months for either a newly-hired employee or newly-appointed supervisor, except that any employer who provided the bill’s training after October 1, 2017 is not required to

provide the training a second time.

The bill also requires that these employers provide periodic supplemental training for all employees at least once every five years.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/20/2018)